

SUMMARY OF EDUCATION-RELATED WORK COMPLETED BETWEEN THE 2001-2002 LEGISLATIVE SESSIONS

This document provides a brief review of legislative work that took place between 2001-2002 and which may be of interest to the education community.

The following information is listed according to the act number. In parentheses is the number of the bill as it originated in the House or Senate. Clicking on the link will take you to the appropriate bill on the Vermont Legislative Web site (<http://www.leg.state.vt.us>).

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[Act #22 \(S. 165\) An Act Relating to Designation of One or More Independent or Public Schools as the Elementary and Secondary Public Schools of the St. George Town School District](#)

Sec. 2. Commissioner of Education; Study

The general assembly recognizes that there may be a need to authorize Vermont town school districts to designate an independent or public elementary or secondary school as the public school of the town school district. Therefore, on or before January 15, 2002, the commissioner of education shall report to the senate and house committees on education information that will enable the general assembly to make an informed decision on this issue. Information may include lists of school districts which provide for the education of their students by paying tuition, the number of students in each of these districts and where they choose to attend school, as well as information about school districts which may feel the need to close down a small school and provide for the education of their students in some other way.

[Act #31 \(H. 314\) An Act to Ensure that Every Union School Board Follows the Proportional Representation Principle](#)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. Finding and Intent

- (a) The U.S. District Court of the District of Vermont, in the cases of *Leopold v. Young*, 340 F. Supp. 1014 (D. Vt. 1972); *Watts v. Harwood Union School Board*, No. 6653 (D. Vt. Dec. 10, 1973); and *Barnes v. Board of Directors of the Mount Anthony Union High School District* (N. 14), 418 F. Supp. 845 (D. Vt. 1975), held that Vermont union school districts are subject to the proportional representation requirements of the Equal Protection Clause known as the "one person/one vote" requirements.
- (b) Such constitutional requirements are neither subject to waiver nor alteration or elimination through agreement or legislation.
- (c) It is the intent of the General Assembly to ensure that Vermont's union school districts apportion membership on their school boards in such a manner as to comply with the guarantees of the Equal Protection Clause.

Sec. 2. Duties of the Commissioner

- (a) By August 1, 2001, the commissioner of education shall distribute to each union school board chairperson and each superintendent of schools for supervisory unions containing one or more union school districts the following:
 - (1) Notification of the provisions of this act.

- (2) A summary of the constitutional principles, and case law in Vermont and nationally, on the application of the "one person/one vote" principle.
- (3) Models of methods of proportional representation.
- (4) A directive for each union school district board to examine its method of apportionment of board members and report to the commissioner of education by December 1, 2001 as to whether and why it believes the board meets the requirements of the Equal Protection Clause, and to supply supporting documentation.
- (b) By July 1, 2002, the commissioner shall review each report submitted and shall provide each union district school board with an advisory opinion on the compatibility of its method of school board apportionment with constitutional principles of proportional representation. If the commissioner has concerns about the constitutionality of an apportionment method, the commissioner shall notify the union district board and shall offer a model or models of apportionment that should comply with constitutional requirements.
- (c) The commissioner shall prepare a report on or before January 15, 2003 with respect to the status of union school district compliance with proportional representation requirements.

Act #34 (H. 499) An Act Relating to Sharing of Special Education Services Costs

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. Interagency Agreement; Payment for Special Education Services

- (a) Human services are primarily the responsibility of the state and federal governments. Therefore, it shall be the goal of the general assembly to develop a system in which the costs of special education services delivered by human service providers shall be paid for primarily by federal and state general fund dollars.
- (b) On or before September 1, 2001, the commissioner of education and the secretary of human services shall present to the senate and house committees on education and on health and welfare, a preliminary draft of an interagency agreement to shift a portion of special education costs to the agency of human services over a period of three years, beginning in fiscal year 2003. The agreement shall identify services which are to be paid for by school districts and services which are to be paid for by human service providers. Following discussion with the four committees about the preliminary draft, the commissioner and secretary may revise the preliminary draft and shall present a final draft of an interagency agreement to the committees on or before December 1, 2001.

Act #61 (H. 478) An Act Relating to Capital Appropriations and State Bonding

Sec. 83. Vocational Training and Distance Learning for Vermont Inmates; Committee

- (a) There is established a committee for the following purposes:
 - (1) To study, identify, and implement changes in the criminal justice system that hinder successful reentry of ex-offenders into the workforce as productive citizens, including the implementation of academic and vocational training, learning, and job placement opportunities, and the feasibility of distance learning education, for male and female inmates who are serving a sentence of incarceration, or who are on probation, parole, or furlough.
 - (2) To determine if any changes should be made to existing statutes and programs, or if any state action should be taken to access federal funds made available for this purpose.

- (3) To assess the feasibility of and develop distance learning technology in Vermont's correctional facilities.
- (b) The committee shall be comprised of the chairs of the house and senate committees on institutions, the commissioners of employment and training, of corrections, of education, and of buildings and general services, the president of Associated General Contractors of Vermont, a representative of the Vermont Institute of Science, Math and Technology (VISMT), the executive director of Northern New England Trades Women, the director of career and workforce development of the department of education, the chair of the Vermont Offender Work Programs Board, a representative of the Lake Champlain Workforce Investment Board, a representative of the Lake Champlain Regional Chamber of Commerce, the executive director of the Human Resources Investment Council, the executive director of Associated Industries of Vermont, the chancellor of the Vermont state colleges, and the president of the Vermont State Labor Council AFL-CIO, or their designees. An organizational meeting shall be called by the commissioner of employment and training no later than July 1, 2001.
- (c) At the first meeting, the committee shall choose a chair from among its membership. The commissioner of employment and training shall provide the committee with administrative support. The legislative council shall also provide administrative support and draft any proposed legislation or report to the general assembly.
- (d) The committee shall make its recommendations in the form of legislation to the house and senate committees on institutions, on education, on general affairs and housing and on general, housing, and military affairs on or before January 15, 2002.
- (e) Committee members who are not full-time state employees shall be entitled to per diem and expenses as provided in 32 V.S.A. § 1010. Members of the general assembly who serve on the committee shall be entitled to per diem and expenses as provided for in 2 V.S.A. § 406.

Act #63 (H. 485) An Act Making Appropriations for the Support of Government

Sec. 97. 3

V.S.A. § 3026 is added to read:

§ 3026. Partnerships for Children, Families and Individuals

- (a) The secretary of human services, the commissioner of education, and the president of the University of Vermont shall establish a research partnership to study and make recommendations for improving the effectiveness of state and local health, human services, and education programs. Critical program outcomes relating to the well-being of Vermonters that should be addressed by the research partnership may include, without limitation, the following:
 - (1) Children, families and individuals are engaged in and contribute to their community's decisions and activities.
 - (2) Pregnant woman and children thrive.
 - (3) Children are ready for school.
 - (4) Children succeed in school.
 - (5) Children live in stable, supported families.
 - (6) Youth choose healthy behaviors.
 - (7) Youth successfully transition to adulthood.
 - (8) Elders and people with disabilities live with dignity and independence in settings they prefer.
 - (9) Families and individuals live in safe and supportive communities.

- (b) The secretary of human services and the commissioner of education shall collaborate with regional partnerships for children, families and individuals in each of the geographical regions of the state. Regional partnerships consist of citizens, consumers of health, human services and education programs, family members, governmental agencies and nongovernmental organizations providing health, education and human services, economic development representatives and business leaders, and any other individuals and groups who can contribute to the activities of the regional partnership. Regional partnerships shall develop and implement local strategies for improving the social well-being of Vermonters, and shall advise the agency of human services and the department of education concerning effective implementation of state and local health, human services, and education programs.
- (c) The secretary of human services and the commissioner of education shall collaborate with the state team for children, families and individuals, consisting of representatives of the agencies and departments of state government which serve children, families and individuals, state coordinators of interagency teams, directors of private sector service and advocacy organizations, institutions of higher education, coordinators for the regional partnerships, and any other individual or group who can contribute to the activities of the state team. The state team shall support the activities of the regional partnerships, and participate in the development and implementation of state policies and programs designed to improve the well-being of Vermonters.
- (d) Annually, on or before February 15, the secretary of human services, the commissioner of education, and the president of the University of Vermont shall report to the general assembly and the governor, concerning:
 - (1) the activities of the state, regional and research partnerships for children, families and individuals established under this section;
 - (2) the well-being of Vermonters;
 - (3) the results of any outcome research completed in the preceding calendar year; and
 - (4) any other findings or recommendations relating to improving the effectiveness of state and local health, human services, and education programs.

Act #63 (H. 485) An Act Making Appropriations for the Support of Government

Sec. 281. Committee on Charter Schools

- (a) A committee to study charter schools is hereby created to consist of two parents chosen by the governor; two representatives of business chosen by the governor in consultation with the Vermont Business Roundtable and the Vermont chambers of commerce; two legislators, one chosen by the speaker of the house and one chosen by the senate committee on committees; two teachers chosen by the commissioner of education in consultation with the VT-National Education Association and the Vermont Independent School Association; one school board member chosen by the commissioner of education in consultation with the Vermont School Boards Association; and one administrator chosen by commissioner of education in consultation with the Vermont Superintendents Association.
- (b) The committee shall study:
 - (1) how charter schools operate in other states;
 - (2) alternatives for financial sponsorship of charter schools;
 - (3) what the research says about the success of charter schools;
 - (4) how charter schools affect rural, suburban and urban areas;

- (5) whether Vermont residents are likely to take advantage of charter schools;
 - (6) whether charter schools would benefit children in Vermont;
 - (7) how special education services would be provided by charter schools; and
 - (8) how charter schools would be held accountable for ensuring that students meet state standards adopted under 16 V.S.A. § 164(9).
- (c) The committee may meet up to six times. Legislative members shall receive per diem and expenses pursuant to section 406 of Title 2, and nonlegislative members may receive per diem and expenses pursuant to section 1010 of Title 32. The committee may request staff assistance from the legislative council and the department of education, and is encouraged to use federal funds or private grants, or both, to fund this study.
- (d) On or before December 15, 2001, the committee shall report its findings and recommendations to the House and Senate Committees on Education, Finance and Ways and Means.